

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:

ALL MATTERS RELATED TO NORTH
AMERICAN REFACTORIES
COMPANY, et al. in Case No. 02-20198, as
affected by the May 24, 2013 Order
Entering Final Decree entered at Doc. No.
7940
Debtors

Misc. Case No. 15-00204-TPA

Chapter 11

HONEYWELL INTERNATIONAL INC.,

Plaintiff,

v.

NORTH AMERICAN REFRACTORIES COMPANY
ASBESTOS PERSONAL INJURY SETTLEMENT
TRUST,

Defendant.

Adversary Proceeding No. 21-2097

Related to Doc. No. 164

NORTH AMERICAN REFRACTORIES COMPANY
ASBESTOS PERSONAL INJURY SETTLEMENT
TRUST

Plaintiff,

v.

HONEYWELL INTERNATIONAL INC.,

Defendant.

Adversary Proceeding No. 21-2096

Related to Doc. No. 158

STATEMENT OF COUNSEL
CORRECTING AND SUPPLEMENTING COMMENTS
DURING DECEMBER 13 ORAL ARGUMENT

1. On behalf of the NARCO Trust, undersigned counsel writes to clarify statements made during the December 13, 2021 oral argument on the Trust's *Motion for a Protective Order* [Docket No. 125]. Specifically, counsel stated that "the Trust has not changed its policy" regarding its consideration of affidavits that use formulaic language in describing a claimant's exposure to a NARCO asbestos containing product. (Dec. 13 Hr'g Tr. 78:7-9.) That statement, reflected in the hearing transcript that counsel received on December 21, 2021 [Docket No. 164 of Case No. 21-2907; Docket No. 158 of Case No. 21-2096], is inaccurate as a singular statement. Shortly thereafter, undersigned counsel corrected that statement as follows: "The forms are not considered by the Trustee unless there's independent information to support them." (*Id.* at 81:17-19.)

2. What undersigned counsel intended to convey to the Court, and now seeks to clarify for the record, is that the Trust did not revert to a policy that was the subject of the parties' prior litigation. The Trust updated its policy concerning affidavits that use formulaic exposure language in June 2017 and again in February 2018. Under the Trust's operative exposure directives, the Trust considers formulaic exposure language when it is supported by indicia of credibility. The Trust looks forward to presenting evidence on this issue at trial.

Dated: December 23, 2021
Pittsburgh, Pennsylvania

Respectfully submitted,

BABST, CALLAND, CLEMENTS & ZOMNIR, P.C.

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- and -

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